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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION SIX

J.T.,

Petitioner,

v.

THE SUPERIOR COURT OF SANTA
BARBARA COUNTY,

Respondent;

SANTA BARBARA COUNTY CHILD
WELFARE SERVICES,

Real Party in Interest.

2d Juv. No. B214171
(Super. Ct. No. J1285632)
(Santa Barbara County)

Alleged father J.T. seeks extraordinary writ review of a juvenile court order denying family reunification services for newborn J., and setting the matter for a permanent plan hearing. (Welf. & Inst. Code, § 366.26¹; Cal. Rules of Court, rule 8.452.) We deny the petition for extraordinary writ.

FACTS AND PROCEDURAL HISTORY

On October 3, 2008, Santa Barbara County Child Welfare Services ("CWS") filed a dependency petition on behalf of newborn J. CWS alleged that J.'s mother ("Mother") suffers from mental illness and CWS removed J.'s siblings and half-siblings

¹ All further statutory references are to the Welfare and Institutions Code.

from her custody. CWS alleged that J.'s alleged father, J.T., had molested two of J.'s half-siblings. Federal authorities arrested and incarcerated J.T. on September 23, 2008, for possession of child pornography. CWS alleged that J.'s parents failed to protect and provide for her, she was left without provision for support, and the juvenile court had determined that her half-siblings had been sexually abused. (§ 300, subds. (b), (g), (j).)

On October 6, 2008, the juvenile court ordered that J. be detained. Mother informed CWS that J.T. was not the father of J. She stated that either "Skyler" or "Joe" was J.'s father, but did not know their surnames or whereabouts.

On January 15, 2009, the juvenile court held a jurisdiction and disposition hearing. J.T. remained incarcerated and did not attend. A court-appointed attorney represented him and submitted on the recommendations of CWS. The recommendations included that the court not order family reunification services to either Mother or J.T. (§ 361.5, subds. (b)(10), (11) [Mother], (b)(6) [J.T.].) The court sustained the allegations of the dependency petition, declared J. a dependent of the court, denied family reunification services to Mother and J.T., and set the matter for a permanent plan hearing. (§ 366.26.)

J.T. now seeks an extraordinary writ vacating the juvenile court order, and requesting visitation, family reunification services, custody of J., and placement of J. with the paternal grandparents. CWS responds in part that the petition is inadequate because it does not provide citation to the record or argument with supporting authorities. (Cal. Rules of Court, rule 8.452(a) & (b).)

DISCUSSION

California Rules of Court, rule 8.452(b) requires a writ petition to contain "a summary of the significant facts, limited to matters in the record" stating each point separately with support by argument and citation of authority. J.T.'s petition for writ, filed in propria persona, states only that he requests custody, visitation, family reunification services, and placement of J. with relatives until his release from custody. The petition does not state significant facts or legal argument with citation to the record and to legal authorities. We deny the petition for this reason. (*Glen C. v. Superior Court* (2000) 78 Cal.App.4th 570, 578-579.)

Alternatively, as J.'s alleged father, J.T. is not entitled to visitation, family reunification services, or custody. (*In re Zacharia D.* (1993) 6 Cal.4th 435, 451.) An "alleged" father is a man whose biological paternity has not been established, or a man who has not achieved presumed father status. (*Id.* at p. 449, fn. 15.) Moreover, J.T., as an alleged father, has no standing to file a petition for extraordinary writ in this matter. (*In re Joseph G.* (2000) 83 Cal.App.4th 712, 715.) "An alleged father in dependency or permanency proceedings does not have a known current interest because his paternity has not yet been established." (*Ibid.*) Until the time that J.T. appears in the proceedings and asserts his position, he is "simply an 'interested person' entitled to notice of the proceedings." (*In re Emily R.* (2000) 80 Cal.App.4th 1344, 1356.)

Moreover, the juvenile court properly denied family reunification services to J.T. pursuant to section 361.5, subdivision (b)(6). Subdivision (b) permits the court to deny family reunification services if there is clear and convincing evidence of enumerated circumstances. Subdivision (b)(6) concerns the sexual abuse of a sibling or half-sibling by the parent. Here the court found in a previous dependency proceeding that J.T. had sexually abused two of J.'s half-siblings. Sufficient evidence supports the court's implied finding that reunification was not in J.'s best interests.

We deny the petition for extraordinary writ.

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GILBERT, P.J.

We concur:

YEGAN, J.

PERREN, J.

Lee E. Cooper, Jr., Judge^{*}

Superior Court County of Santa Barbara

J.T., in pro. per., for Petitioner.

No appearance for Respondent.

Dennis A. Marshall, County Counsel, Joel F. Block, Deputy, for Real Party in Interest.

^{*}(Retired Judge of the Ventura Mun. Ct. assigned by the Chief Justice pursuant to art. VI, § 6 of the Cal. Const.)